

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 9, 2001
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Linda Munhall, Baha'i.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of December 19, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATION

Distinguished Service Citations were presented.

PROCLAMATIONS

Proclamations previously approved were presented.

NIGHT OUT AWARD

The 17th Annual National Night Out Award was presented.

OATH OF OFFICE

Municipal Court Judge Jennifer Jones was administered the Oath of Office by Federal Court Judge Karen Humphreys.

NEW BUSINESS

PAVE CEDAR DOWNS

PETITION TO PAVE CEDAR DOWNS LANE IN CEDAR DOWNS ADDITION - NORTH OF 21ST, WEST OF 119TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0001.

The signatures on the Petition represent 27 of 45 (60%) resident owners and 58% of the improvement district area. On December 4, 2000 District V Advisory Board discussed the proposed project and recommended that it be approved.

Cedar Downs Lane is a sand road that provides access to an area comprised predominately of single-family homes.

The estimated cost of the project is \$247,000 with the total assessed to the improvement district. The proposed method of assessment is the fractional basis. The estimated assessment rate is \$9,940 per tract except for Lot 2, Block 1, Cedar Downs Addition, Lot 10, Block B, Lot 10, Block C, and Lot 23, Block C Cedar Downs Third Addition, which have a \$4,970 estimated assessment. The lots with the reduced assessment are also in improvement districts for paving other streets in the neighborhood.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --
-- carried

Martz moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-01-001

Resolution of findings of advisability and Resolution authorizing improving of Cedar Downs Lane, from the east line of Cedar Crest Drive to the north line of Cedar Crest Drive, (north of 21st Street, west of 119th Street West) 472-83310, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PAVE CEDAR CREST

PETITION TO PAVE CEDAR CREST IN CEDAR DOWNS SECOND ADDITION - NORTH OF 21ST, WEST OF 119TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0002.

The signatures on the Petition represent 29 of 52 (55.8%) resident owners and 55.4% of the improvement district area. On December 4, 2000 District V Advisory Board discussed the proposed project and recommended that it be approved.

Cedar Crest is a sand road that provides access to an area comprised predominately of single-family homes.

The estimated cost of the project is \$288,000 with the total assessed to the improvement district. The proposed method of assessment is the fractional basis. The estimated assessment rate is \$9,260 per tract except for Lot 1, Block 2, Cedar Downs Addition, Lot 10, Block B and Lot 23, Block C, Cedar Downs Third Addition, which have a \$4,630 estimated assessment. The lots with the reduced assessment are also in the assessment district for Cedar Downs Lane.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Dan Bowles

Dan Bowles, 2331 North Cedar Crest Drive, said the area offers a natural deterrence of traffic, rustic winding dirt roads, no street lights, and well water. It is a dream neighborhood. All of the homeowners knew dirt roads were present.

Some people in the neighborhood want change and are damaging area dreams. Mr. Bowles suggested these people move. Property will not increase in value. Mr. Bowles said he would look to collect damages for a move from the area from those who caused the change.

Barely a majority want the change. Mr. Bowles asked that the City Council send this matter to the neighborhood so all may have a voice.

Gary Rebenstorf

Director of Law stated that, under State Statutes, all cities have authority within three miles of the City. The City is in compliance and has authority to go forward.

Council Member Martz

Council Member Martz said every attempt was made to reach everyone in the area, all neighbors. There was very open discussion at the District Advisory Board meeting and all present were given an opportunity to discuss the issue.

In this case, both the number and percentage of area were a majority wanting the improvement.

Motion --
-- carried

Martz moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-01-002

Resolution of findings of advisability and Resolution authorizing improving of Cedar Crest from the north line of 21st Street North to the west line of Cedar Downs Lane, (north of 21st Street, west of 119th Street West) 472-83309, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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PAVE WHEATRIDGE

PETITION TO PAVE WHEATRIDGE IN CEDAR DOWNS THIRD ADDITION- NORTH OF 21ST, WEST OF 119TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0003.

The signatures on the Petition represent 20 of 39 (51.3%) owners and 55.8% of the improvement district area. On December 4, 2000 District V Advisory Board discussed the proposed project and recommended that it be approved. On December 20, 2000, the Staff Screening and Selection Committee selected TranSystem Corporation to prepare construction plans.

Wheatridge is a sand road that provides access to an area comprised predominately of single-family homes. This project is one of three companion projects that will provide neighborhood paving to the Cedar Downs area. The area is eligible for unilateral annexation. The annexation hearing is scheduled for March 20, 2001.

The estimated cost of the project is \$200,000 with the total assessed to the improvement district. The proposed method of assessment is for each residential ownership tract (lot) to pay an equal share of the cost. The estimated assessment rate is \$9,315 per tract except for Lot 10, Block C, Cedar Downs Third Addition, which has a \$4,650 estimated assessment. The lot with the reduced assessment is also included in the assessment district for the project for Cedar Downs Lane such that their total assessment will be approximately the same as the other lots in the improvement district. The engineering design fee is \$6,700, and is included in the overall project budget.

State Statutes provide that a Petition is valid if signed by a majority of property owners and by owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the Petition and design Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-003

Resolution of findings of advisability and Resolution authorizing improving of Wheatridge Street in Cedar Downs Third Addition (north of 21st Street, west of 119th Street West) 472-83311, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

MULTI-CULTURAL CENTER

MULTI-CULTURAL NEIGHBORHOOD CENTER. (District VI)

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 01-0004.

In February, 1999, the City Council approved a lease with SER Corporation to utilize the City-owned facility located at 2601 North Arkansas for five years. In addition, the City agreed to provide funding to perform necessary repairs to preserve the existing building. Under the terms of the lease, the SER Corporation was to be responsible for any building modifications to house the proposed services. Following the execution of the lease, the SER group sought to expand the facility or to find other larger space that would economically house their operations and related uses.

An architect was hired to provide cost data on remodeling the building and parking improvements, providing an addition to the existing building and/or constructing a new building. Following the issuance of this architectural report, SER requested that the building be demolished to allow for a new building to accommodate all of the requests for space. This request was referred to the Park Advisory Board who recommended against demolition of the existing building. Following this action, SER initiated a search for space (within the northeast area) that might best meet its longer-term needs.

Staff has met with the SER Board to discuss options available for the Multi Cultural Center. SER has located property it wishes to acquire in the vicinity of West 21st Street for use as a Multi-Cultural Neighborhood Center. To assist in the acquisition of the property, the SER Board has requested financial support from the City. A number of financing options were explored to accommodate the acquisition of the property; however, it appears

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that the most feasible approach is for the City to enter into a community-based partnership and provide a Community Development Block Grant (CDBG) loan in the amount of \$300,000. SER would provide the balance of the project financing from private lenders.

As proposed, the facility would be large enough to accommodate all space requests, plus have growth potential for future needs. Renovation costs would appear to be minimal for the SER usage; only those required to meet ADA standards will be required along with some minor alterations from current use.

The key features of the \$300,000 CDBG loan are as follows:

- ? Loan funds are for the purchase of property for a Multi Cultural Community Center on 21st Street. The Center must open to the public no later than September 10, 2001.
- ? The CDBG loan will be a not to exceed amount of \$300,000 at 4% interest.
- ? The loan will be secured by a mortgage on the real property but will be subordinate to the lender's loan.
- ? The loan will be a "soft second" mortgage that is due upon sale of the property at any time during 15 years from the date of purchase of the real property, subject to the principal "burn down".
- ? The principal amount of the loan is forgivable after 15 years of continuous use as a Multi Cultural Community Center.
- ? During the first 6 years, a 100% repayment of the loan will be paid to the City if the property is sold. Subject to HUD repayment rules during the first 6 years, the principal amount of the loan will "burn off" each year over the 15 year period of the loan. [Example, sixty-six and two-thirds percent (66 2/3%) will "burn down" at the end of 10 years and one hundred percent (100%) of the principal will "burn down" at the end of the 15th year.]

The City has previously allocated \$75,000, less architectural costs, in CDBG funds for the renovation work at the former Arts and crafts building. These funds will remain pending the implementation of certain building repairs needed.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Sam Lentz

Sam Lentz, Chair of SER, responding to a question, said the Center would have at least one Asian group, one group addressing high school drop-out rates, a child care center, and Boy Scouts. SER has been in contact with these agencies; however, no contracts have been signed.

Motion --
-- carried

Cole moved that the funding and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PARK

LEASE OF FLOOD PLAIN PROPERTIES FOR PARK PURPOSES.

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 01-0005

In October, 1998, a number of properties in the vicinity of Cowskin Creek in west Wichita incurred flood damage as the result of a major rainfall/flooding.. In response, the City was able to obtain funding assistance from the Federal Emergency Management Agency (FEMA) to help cover the costs associated with property damage in the Cowskin Creek floodplain. On April 6, 1999, the City Council authorized the purchase of thirteen (13) property parcels in the floodplain. Under the terms of the buy-out grant, such properties may not be redeveloped, except for approved uses.

The properties acquired by the City under this program are situated largely in a natural greenway in close proximity to Cowskin Creek. These parcels offer an opportunity for public access along the Cowskin for fishing and other low-impact recreation and leisure activities. The location of other parcels is conducive to development as recreational sites and gathering places for neighborhood residents.

Ten (10) of the thirteen properties acquired by the City will allow convenient public access along the Cowskin greenway. These partially-wooded parcels could be maintained by the City for the benefit of all citizens. One-time costs (estimated at \$5,820) would be required to erect and establish structures to prohibit the entry of unauthorized

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vehicles into the greenway. Ongoing costs of approximately \$14,120 annually would be necessary to provide maintenance of the greenway parcels, including mowing, tree trimming, and litter collection.

Council Member Martz has suggested that all of the parcels be offered to neighboring residents (or local neighborhood associations) for contractual use as low-impact recreational sites or neighborhood gathering areas. Under a land-lease agreement, the maintenance of these parcels would become the responsibility of the residents or the association(s) utilizing these properties.

The development of floodplain properties for park purposes can be accomplished (as outlined) with a commitment of \$19,940 in 2001. Thereafter, upkeep would be considered in future Park budgets. If approved, funding requirements for 2001 will be addressed in the City's 2001 Revised budget.

The necessary land-lease agreements will be prepared based on City Council action.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Doug Kupper

Director of Parks and Recreation explained that, if the property is leased, the adjoining neighbors or neighborhoods would be responsible for maintenance. Access to areas would be available by walking from the roadway; however, this would not be an active park area; rather, it would be wildlife area.

Motion --
-- carried

Martz moved that the project be approved and negotiation of lease Agreements be authorized. Motion carried 7 to 0.

HOUSING ADV BOARD RESTRUCTURING THE HOUSING ADVISORY BOARD.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0006.

On February 9, 1999, the City Council adopted an ordinance to create a new Housing Services Department. This department is charged with the responsibility for all City housing activities, including public housing, Section 8 vouchers, housing development, home-ownership, neighborhood revitalization, and neighborhood improvement services.

On November 9, 1999, the City Council took further action to restructure various advisory boards/commissions. In addition to the Human Services Board, Commission on Status of Persons with Disabilities, Commission on Status of Women, Civil Rights and Services Board, Traffic Commission, Transit Advisory Board and the Convention and Tourism Advisory Committee, several other advisory groups are under study for possible restructuring, including the Board of Housing Commissioners. To fully implement a comprehensive housing program for Wichita, the role of the Board of Housing needs to be broadened to manage not only public housing and assisted programs, but other housing partnerships with the private sector to meet affordable housing needs and revitalization and development efforts within the community.

With the creation of the Housing Department and designation of housing staff, it is appropriate to review the role of the Board of Housing Commissioners. This Board was created (in 1983) for the purpose of advising the City Council on matters relating to public housing programs. With the establishment of the Housing Services Department, the City's housing role has changed. In addition to managing public and federal housing programs, including the Section 8 program, other housing efforts are being taken to revitalize neighborhoods, and create housing partnerships and opportunities to provide affordable housing to Wichita residents.

The increased work program, including housing partnerships (not just public housing), of the department necessitate a changing role of the housing advisory body. The Statement of Policy, Policy Governing the Operations/Procedures, and the Resolution Modifying the Role of the proposed new Housing Advisory Board (and providing for its Bylaws, Roles and Responsibilities) are reflective of the expanded scope of work proposed for the new advisory board.

In addition to the increased work program, HUD has mandated that the housing advisory board membership be increased to include one individual representative of public housing. This membership change is reflected in the proposed ordinance. To ensure that the Housing Services Department receives experienced advice and counsel on housing program development, it is important that the proposed Housing Advisory Board have qualified members. Under the terms of the proposed ordinance, the advisory board will consist of nine (9) members to be appointed by the Mayor from nominations from the City Council members.

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Because of its expanded role in community housing - - in public housing neighborhood revitalization programs, and private housing partnerships - - it is proposed that seven of the proposed nine appointments be filled by an individuals with skills/experience in the following professional areas: (1) housing development/construction; (2) finance and banking (residential lending); (3) Board of Realtors; (4) property management; (5) architect/engineer; (6) landlord association, and (7) a tenant receiving Public Housing (or Section 8) assistance. The remaining two members are proposed to be nominated at-large, but have demonstrable working knowledge and interest in housing issues. By including the (above) disciplines and professions, the Board's ability to make recommendations to the governing body on matters relating to the City's comprehensive housing program will be enhanced.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Gale moved that the guidelines be approved; the Resolution be adopted; and the Ordinances be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. R-01-004

A Resolution modifying the functions of the Housing Advisory Board and providing for its Bylaws, Roles and Responsibilities, presented. Gale moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CHARTER ORDINANCE

An Charter Ordinance repealing Charter Ordinance No. 62, and Sections 6 and 7 of Charter Ordinance No. 119 of the City of Wichita, Kansas, exempting the City of Wichita, Kansas, from the provision of K.S.A. 1977 Supp. 17-2341, relating to the Board of Commissioners of the Housing Authority of the City of Wichita, Kansas, introduced and under the rules laid over.

ORDINANCE

An Ordinance creating new Sections 2.12.1170, 2.12.1172 and 2.12.1175 creating the Housing Advisory Board, and pertaining to the duties, composition, and organization of the Board, introduced and under the rules laid over.

CITY COUNCIL AGENDA

TRAVEL APPROVAL

APPROVAL OF MAYOR'S TRAVEL TO U.S. CONFERENCE OF MAYORS IN WASHINGTON, DC, JANUARY 17-21, 2001.

Motion -- carried

Gale moved that the travel expenditures be approved. Motion carried 7 to 0.

TRAVEL APPROVAL

APPROVAL OF COUNCIL MEMBERS' TRAVEL TO NLC CONGRESSIONAL CITY CONFERENCE IN WASHINGTON, DC, MARCH 9-13, 2001.

Motion -- carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

TRAVEL APPROVAL

APPROVAL OF MAYOR'S TRAVEL TO NATIONAL LEAGUE OF CITIES OFFICERS MEETING IN MIAMI BEACH, FL, JANUARY 25-28, 2001.

Motion -- carried

Gale moved that the travel expenditures be approved. Motion carried 7 to 0.

GRANTS REVIEW COM. GRANTS REVIEW COMMITTEE APPOINTMENT.

Agenda Report No. 01-0007.

On December 19, 2000, the City Council approved the appointments of the Grants Review Committee. On December 26, 2000, staff was informed that June Bailey, of the Orchard Breeze Neighborhood Association, accepted the position of Executive Director for Community Housing of Wichita/Sedgwick County (CHOWS). Because CHOWS receives federal funds from the HOME program, serving on the Grants Review Committee and making recommendations for HOME funding could be perceived to be a conflict of interest. Wichita Independent Neighborhoods, Inc. submitted a replacement nomination to serve on the Grants Review Committee.

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Mark Criner
Northeast Heights Neighborhood Association
2803 Fairmount
Wichita, KS 67220

The Grants Review Committee reviews the funding applications, holds one public hearing/applicant presentation and makes funding recommendations to the City Council.

Motion --
-- carried

Knight appointed Mark Criner to the Grant's Review Committee and moved that the appointment be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Knight appointed Shawna Mobley (Community Corrections); Julie Wright-Connolly (Court System); Kent Sisson (Parole Services); Lt. Roy Mitchell (Law Enforcement); and Don Deckert (Neighborhood Representative – District. II) to the Alternative Correctional Housing Board and moved that the appointments be approved. Motion carried 7 to 0.

CONSENT AGENDA

Motion --
-- carried

Knight moved that the Consent Agenda be approved in accordance with the recommended action thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 8, 2001.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Stairwell Painting at City Hall. (792310)

Aaron & Page Painting Inc.* - \$33,500(Base bid)
\$ 5,400(Add Option 1)
*Award redirected

AIRPORT OPERATIONS DEPARTMENT: 3000 Lb. Electric Forklift. (190017)

Southern Kansas Equipment Inc.** \$22,700 (Total bid)

**Award redirected

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	(Consumption on Premises)
Marvin E. Autry	The Cedar Saloon*	3906 East 13th Street
Vernon J. Blasi	Blasi Tire Center, Inc.	11209 West 54 HWY
Rodney L. Steven II	Genesis Health Club	6100 East Central, Bldg. #3
Rueben Acosta	Ruben and Anita's Tacos*	835 East First Street
Eldon L. Self	L.W. Clapp Golf Course*	4611 East Harry
<u>(Consumption off Premises)</u>		
Daniel Hendricks	Crescent Oil Company, Inc. dba Jump Start #19	3805 West 21st Street North
Van T. Ho	Lee's Convenience Store	2828 East 21st Street
Rick W. Brazile	Sam's West, Inc. dba Sam's Club #6418	3415 North Rock Road
Evan Nguyen	Fast-Trips Gas and Groceries	2796 South Seneca

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New Establishment

2001

(Consumption off Premises)

James Steindler
Tuy Le Tran

Gotta Stop
Caravelle Restaurant*

5600 West Mac Arthur Road
2959 South Hillside

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a) Intersection improvements at Woodlawn and Mainsgate - Woodlawn, south of 29th Street North. (472-83221/706798/201254) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$400,000

b) Landscaping in connection with paving Harry; Webb Road. to Greenwich Road., Phase 2 - Harry Street. from Webb Road to Greenwich Road. (472-83091/706771/209232) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$52,055

c) Landscaping the intersection of Meridian and McCormick - Intersection of Meridian and McCormick. (472-83265/706802/208257) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$17,370

d) 2000 Contract maintenance Old Town street and parking repair (Mosley, First Street to Second Street and Rock Island, Douglas to First. (00_792341_1/792341/435311) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$300,000

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

STATEMENTS OF COST AMENDED STATEMENTS OF COST:

a) Improving West Half of Lark from the south line of Park Glen Addition to the south line of Grant and concrete sidewalk on the west side of Lark, (north of Pawnee, west of Lark). Total Cost - \$83,883.86 (plus idle fund interest - \$3,126.94, plus temporary note interest - \$4,482.20). Financing to be issued at this time - \$91,493.00. (764985/472-82276/490-600).

b) Improving Lark from the north line of Pawnee to the north line of Lot 7, Block 5, Prairie Woods Second Addition, (north of Pawnee, west of Maize Road). Total Cost - \$97,173.95 (plus idle fund interest - \$3,348.85, plus temporary note interest - \$4,482.20). Financing to be issued at this time - \$105,005.00. (764977/472-82936/490-599).

c) Improving 151st Street West from the north line of US 54, north to the north line of Hendryx, Reece Farms Estates and Auburn Hills 5th Addition, (north of Kellogg, east of 151st Street West). Total Cost - \$196,708.81 (plus idle fund interest - \$4,651.51, plus temporary note interest - \$14,020.68. Financing to be issued at this time - \$215,381.00. (764944/472-82904/490-596).

Motion -- carried

Knight moved that Statements of Cost be received and filed. Motion carried 7 to 0.

WATER SYSTEM

PETITION FOR PUBLIC IMPROVEMENTS - WATER DISTRIBUTION SYSTEM TO SERVE PART OF BRUSH CREEK THIRD ADDITION, EAST OF WOODLAWN, SOUTH OF 37TH STREET NORTH. (District I)

Agenda Report No. 01-0008.

The Petition has been signed by two owners representing 100% of the improvement district.

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This project will provide water service to a new commercial development.

The Petition totals \$74,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-005

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89531, (east of Woodlawn, south of 37th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, 11-13-00
Metropolitan Area Planning Commission (MAPC), draft minutes, 11-9-00
District Advisory Board II, DAB, 11-6-00, 11-20-00

Motion -- carried

Knight moved that Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CLAIMS

Report on Claims Allowed – November, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Helen B. Boyd	\$ 318.20*
SW Bell	\$ 185.41
SW Bell	\$ 600.09
Angela Wilson	\$ 238.28
SW Bell	\$ 506.17**
Dianna King	\$ 559.46**
Mona Kelley Long	\$ 385.26
Bruce G. Ferris	\$1,936.67
LaShekia R. Edwards	\$ 220.00
State Farm Ins. For Josephine Brown	\$2,088.85
Sarah Turner	\$2,740.94
Truman A. Hill	\$1,000.00
Kenneth Patrick	\$ 616.00**
SW Bell	\$ 168.24
SW Bell	\$ 110.05

*This claim was originally sent to Wildcat for handling; Wildcat refused payment so Ms. Boyd's claim was taken from City's payment to Wildcat.

**Settled for amount less than amount claimed.

Motion -- carried

Knight moved that report be received and filed. Motion carried 7 to 0.

EASEMENT ENCROACHMENT AGREEMENT. (District II)

Agenda Report No. 01-0009.

The agreement allows Daniel and Mary Wheeler to occupy and construct for 237 North Crestway improvements on, over, and across, portions of a utility easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 20 ft. by 20 ft. garage which encroaches into the existing 12 ft. utility easement.

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The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER

SUPPLEMENTAL AGREEMENT FOR ELEVATED POTABLE WATER STORAGE FACILITIES SITE SELECTIONS. (Districts I, II, and III)

Agenda Report No. 01-0010.

On September 12, 2000, the City Council approved a contract with Black and Veatch Corporation to provide services to assist the City in verifying the size and location of the proposed northeast and northwest elevated tanks. During the course of the project, additional engineering services were requested for coordination of tank aesthetics with the Art and Design Review Board. These services were not included in the original scope of services.

Elevated tanks are essential water distribution system elements. They provide additional water volume during maximum-hour use and function to stabilize distribution system pressures. They are also very prominent structural features in any community. Attention to aesthetics is very important in order to obtain public acceptance of the selected tank sites and engender a sense of neighborhood acceptance and pride in these facilities.

The aesthetics-related design services associated with developing artistic site renderings, conducting an Art and Design Review Board meeting to present the renderings and participating in a Public Info Fair are further described in the Supplemental Services Agreement Exhibit B.

The fee for the services covered under this Supplemental Agreement No. 1 is \$10,000 computed on the basis of the hourly billing rates given in Section IV, Paragraph A, of the original Agreement and as outlined in Supplemental Services Agreement Exhibit B. The total fees for this project (original contract amount plus this supplemental agreement amount) remain well within the total amount budgeted for the study of \$50,000.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING FOR PARKING LOT A K-96 LAKE PARK. (District I)

Agenda Report No. 01-0011.

The City Council approved the project on December 7, 1999. On January 27, 2000, the City approved an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) to design the improvements. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and SRB provides for construction engineering services for the parking lot. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$3,910 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

COX

CONTRACT WITH COX COMMUNICATIONS.

Agenda Report No. 01-0013.

Since 1991, the City of Wichita has had a contract with Cox Communications, then known as Multimedia Cablevision, for production services required to operate Channel 7, the City public information channel. These production services include weekly telecasts of City Council meetings, production of various public affairs programs and certain technical services required to operate the channel. The current contract has been in effect since 1998.

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The proposed contract for 2001 includes several changes resulting from a five year review of the cable franchise agreement with Cox Communications. The most notable change is waiver of the production charges for broadcasting regular City Council meetings. The terms and rate schedule for other production are designed to give the City of Wichita the option and ability to produce more and different programs and expand the number of hours of original programming. The proposed contract allows Channel 7 to be more flexible to citizen interests and needs by continuing an "ala carte" type rate structure which allows the City to produce a variety of programs based on an hourly production rate. Under the terms of the proposed contract, the City can make more efficient and effective use of the Channel 7 operations.

The Department of Law has approved the contract as to form and Cox Communications has agreed to the terms of the contract.

The \$70,000 allocated fee for broadcasting City Council programs will be reprogrammed into the Public Information budget for enhanced services. Funds for other Channel 7 programs and operations are included in the 2001 budget.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TRANSP. PLAN

CONTRACT AMENDMENT – TRAVEL DEMAND FORECASTING FOR TRANSPORTATION PLAN.

Agenda Report No. 01-0014.

Federal transportation regulations require Metropolitan Planning Organizations to update the Transportation Plan every five years, and perform certain technical functions. The Planning Department has experienced difficulty in recruiting staff to undertake these functions. Therefore, Mr. Vic C. Shen was been awarded three professional service contracts to assist MAPD staff with professional services totaling nearly \$40,000 provided to date. The City Council has approved the previous two extensions. The Planning Department is asking to extend the contract one more time, so that Mr. Shen can continue to work on certain technical functions to assist with other transportation planning work items.

The proposed contract amendment is for \$40 per hour, with an amount not to exceed \$9,900. The proposed contract amendment will fund technical activities associated with travel demand modeling and technical documentation. The results of these studies will be part of updates to the 2030 Transportation Plan.

Federal Planning funds available to the Metropolitan Area Planning Department, due to salary savings, will be used to fund this contract. No local funds are necessary.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ACCESS MGMT.

PROFESSIONAL SERVICES CONTRACT FOR AN ACCESS MANAGEMENT PLAN – INCLUDING POLICY GUIDELINE DEVELOPMENT.

Agenda Report No.01-0015.

The Access Management Task Force was organized to develop a policy framework and a consistent, deliberate access management process to address the land use and transportation issues of development and redevelopment for the urbanized area.

Having taken steps to gain a better understanding of many of the cause and effect relationships of land use and transportation, the Task Force members are advancing the development of a proactive Access Management Plan, including Policy Guidelines.

In accordance with the mission, goals, and objectives of the Access Management Task Force, the Metropolitan Area Planning Department, along with City of Wichita and Sedgwick County staff seeks to utilize additional professional planning services through a contract with the consulting firm of TranSystem Corporation for the development of an Access Management Plan and Access Management Policy Guidelines. The proposed contract amount is for \$64,714.

Federal Planning funds available to the Metropolitan Area Planning Department, due to salary savings, will be used to fund this contract. No local funds are necessary.

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Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

METHODIST MINISTRY CONTRACT AMENDMENT - UNITED METHODIST URBAN MINISTRY OF WICHITA.

Agenda Report No. 01-0016.

On May 9, 2000 the City Council approved the Emergency Shelter Grant allocations to be included in the City's 2000-2004 Housing and Urban Development (HUD) Consolidated Plan. Included in this allocation was \$14,808 for rehabilitation at the UMUM Drop-in Center to pay a portion of the cost of a replacement heating and air conditioning system.

Because of a complete failure of the air conditioning system, it was necessary to begin repairs prior to the July 1 commencement of the 2000 Consolidated Plan year. This makes the rehabilitation costs un-reimbursable from the Emergency Shelter Grant, and the agency was forced to use funds from its operating budget. Consequently, UMUM has requested that the City of Wichita approve the use of the \$14,808 previously allocated for rehabilitation to be used for operations.

UMUM will provide the required matching funds.

The City may not use program year 2000 funds to reimburse costs encumbered prior to July 1

Staff has discussed this request with HUD, and HUD officials have verified that this would not constitute a Consolidated Plan amendment.

Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

DESIGN SERVICES DESIGN CONTRACT, ARCHITECTURAL SERVICES – GROVE PARK. (District I)

Agenda Report No. 01-0019.

On January 11, 2000, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 2000 Park Capital Improvement Program.

The proposed Agreement between the City and Gossen Livingston Associates, Inc. provides for designing Grove Park. The Staff Screening and Selection Committee selected Gossen Livingston for the design on November 20, 2000.

Payment will be on a lump sum basis of \$96,300 and will be paid by General Obligation Bonds.

Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR RIDGE PORT NORTH AND NORTH THIRD ADDITIONS, EAST OF RIDGE ROAD, NORTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 01-0020.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port North and Ridge Port North 3rd Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$124,600, and will be paid by special assessments.

Motion -- Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

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DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR PAWNEE FROM ROCK ROAD TO WEBB ROAD; WEBB ROAD FROM PAWNEE TO HARRY. (District II)

Agenda Report No. 01-0021.

On January 26, 1999, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for the design of Pawnee from Rock Road to Webb Road; Webb Road from Pawnee to Harry. On August 10, 1999, The City Council approved Supplemental Agreement No. 1 which required MKEC to extend water mains and relocate several fire hydrants.

The proposed Supplemental Agreement between the City and MKEC provides for redesigning the intersection to avoid conflict with KGE's relocations.

Payment will be on a lump sum basis of \$9,050 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

CHANGE ORDER - 29TH STREET NORTH IMPROVEMENT, FROM OLIVER TO WOODLAWN. (District I)

Agenda Report No. 01-0022.

On August 11, 1998, the City Council approved a project to reconstruct 29th Street North from Oliver to Woodlawn. It has been determined that additional storm sewer pipe is needed to drain an adjacent utility easement.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$10,180. The funding source is a combination of General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

CHANGE ORDER - BAYLEY STREET IMPROVEMENTS, ARKANSAS RIVER TO ST. FRANCIS. (District I)

Agenda Report No. 01-0023.

On June 23, 1998, the City Council approved a project to remove Bayley Street, between the Arkansas River and St. Francis, to provide a new railroad corridor.

Additional riprap and a stone wall is needed for erosion control under the railroad trestle that was built by the Central Kansas Railway. Additional storm sewer pipe is needed at Broadway and Bayley where the new railroad tracks block storm water runoff.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$44,819. The funding source is General Obligation Bonds.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or put back on the tax roll.

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Three of the assessments have been paid and one has been put on the tax roll for 15 years beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that Release of Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

QTRS. AT CAMBRIDGE PURCHASE OPTION – THE QUARTERS AT CAMBRIDGE. (District II)

Agenda Report No. 01-0027.

On January 11, 2000, the Wichita City Council approved the issuance of \$11,521,000 in Industrial Revenue Bonds, Series I, 2000. Bond proceeds were used to finance acquisition of land, construction and equipping of a 194-unit luxury apartment complex located on 21st Street, east of Webb Road in northeast Wichita.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, The Quarters At Cambridge has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City received notice from the Tenant's Counsel of a request to call outstanding bonds and of the company's intention to exercise its purchase option.

Under the terms of the Lease, the City is required to convey its interest in the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. Insofar as the City's interest in the project is only a leasehold interest, Tenant's Counsel has agreed that it makes more sense to simply terminate the Lease and Site Lease than to reconvey the City's leasehold interest. The Bonds will be finally paid roughly 30 days after approval of the Resolution.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to release the IRB Project property to the Tenant, and such may be appropriately done in this instance by a Termination and Release of Lease and Site Lease, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Termination and Release of Lease and Site Lease and the delivery of such document following satisfaction of applicable conditions.

Motion --
-- carried

Knight moved that bond call be authorized; the Resolution approving the Termination and Release of Signatures Lease and Site Lease be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-007

A Resolution authorizing the City of Wichita, Kansas, to terminate its interests in certain real property at the request of the Quarters of Cambridge, L.P., and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BUDGET

YEAR 2000 BUDGET ADJUSTMENTS.

Agenda Report No. 01-0028.

Final expenditures have been posted to the 2000 budgets. Budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

The first pay period in 2001 contains nine days from 2000. Due to the timing of these year-end pay period dates, an accrual adjustment is required to accurately reflect all 2000 expenses within the 2000 fiscal period. In most cases, salary savings within the department (over and above planned savings) are sufficient to offset this extraordinary expense, but not in all cases. The total accrual will be over \$3 million. It is requested to authorize up to \$500,000 from the appropriated reserve (or within the departments' budgets, where possible) for the purpose of offsetting accrual expense.

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There are three other year-end adjustments which require City Council approval, all of which are required for accounting purposes but do not alter the intended use or total authorized expenditures within the respective programs. The method by which Transit expenses may be charged off to grants and how various programs have been administered have created adjustments between categories of expenditures (i.e., personal services, contractals, commodities, etc.) and also between funding sources. Approval is requested to adjust \$90,000 within the Transit budget between categories to accommodate these shifts.

Similar circumstances exist in Worker's Compensation Account. Claims that might formerly have been settled as a personal services expense (this year) have become contractual expenses. For this reason it is necessary to shift \$300,000 from personal services to contractals. This adjustment will allow payment of authorized claims. The total Worker's Compensation budget will not be affected by this action.

Revenue in the Property Management operation has exceeded the \$1.1 million revenue projection in the budget by more than \$180,000 (16%). This increase was due to activity in excess of projections. The Property Management operation includes management of the Farm and Art Market, Victoria Apartments, City Hall Parking Complex, Eaton Hotel, as well as many temporary property holdings related to right-of-way acquisitions. The increased activity also resulted in additional expenses. For precisely this reason, the fund includes a contingency of \$240,980. Approval is requested to use \$60,000 of this contingency to offset expenditures in excess of the budget in other categories within the various Property Management operations. This authorization would not increase the total budget as certified to the State and is offset from increased revenue.

Because of under-expenditures in various accounts, funding is available within each of the authorized funds/budgets. Appropriated reserves have been maintained (within legal levels and according to sound financial management). Funds are available to meet these needs without consequence to resources needed for future programs/operations.

For the Transit, Worker's Compensation, and Property Management budgets, the requested adjustments do not affect the intended purpose or total expenditure authority of these programs. The adjustments are to be made from within the existing budget authority.

Compliance with State budget requirements have been met, since all budget adjustments are within funds, and the final 2000 expenditure totals -- after the adjustments -- will not exceed the legally adopted 2000 expenditure authorizations.

Motion -- carried

Knight moved that budget adjustments be approved. Motion carried 7 to 0.

BUDGET

OMNISPHERE BUDGET ADJUSTMENT.

Agenda Report No. 00-0029.

The Omnisphere Science Center will be closing at the end of January, 2001, consistent with earlier plans to phase out operations following the opening of Exploration Place in 2000. Sufficient budget was allocated during the 2001/2002 budget development process to continue operations through the end of 2000. No budget was allocated for 2001.

Omnisphere will continue offering shows and programming through the month of January, 2001. Plans are being made to showcase the facility's history and contribution to the community in conjunction with its closing date.

Following its closing, the building housing Omnisphere operations will be cleared of exhibits and prepared for a future use as a museum of aviation history. During the interim period, basic operating expenditures such as utilities, communications, and security services will continue to be incurred.

Operating costs for the month of January, including personal services, contractals, and commodities, are estimated at \$23,300, with utilities and other basic costs of maintaining the building estimated at \$28,160 for the remainder of the year.

Total costs associated with programming Omnisphere in January, 2001, and maintaining the structure through the remainder of 2001 are projected at \$51,460. The source of funding is General Fund appropriated reserves.

Budget transfers in excess of \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budgets and transfer of funds be approved. Motion carried 7 to 0.

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WATER MAINS

WATER MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 01-0030.

This project is included in the ten-year Capital Improvement Program (CIP #W-65) and provides for the City's share in funding major water main extensions to serve future developments and newly annexed areas.

The Water Master Plan indicates the need to extend the water distribution system wherever future growth and development is occurring. These projects are identified when a petition for water system extensions is received. The Water Utility pays for links and oversizing of the water system in developments. Funds are also used to design and relocate water mains for future Public Works projects.

Unidentified Mains (CIP #W-65) is budgeted for \$2,600,000 in 2001. The CIP has a remaining balance of \$3.5 million. Staff recommends transferring the balance to the year 2001 CIP W-65 project.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

EQUIPMENT

POLICE EQUIPMENT REPLACEMENT PROJECT.

Agenda Report No. 01-0031.

An opportunity exists to address equipment needs in the Police Department through the establishment of a replacement equipment project. Savings is available from under-expenditures in the General Fund to finance one-time equipment needs such as patrol vehicles, investigation computers, additional Bomb Unit equipment, cameras, helicopter repairs, and other minor items. Higher than budgeted turnover has increased uniform and initial outfitting costs for new Police personnel. An additional \$30,000 is required for these costs.

Resources already identified to purchase fourteen patrol vehicles (and related equipment) could be reprogrammed in 2001 by using under-expenditures in the 2000 budget. To significantly improve the efficiency and effectiveness of Investigations personnel, thirty additional personal computers at a cost of \$82,000 will be purchased to provide detectives with enhanced access to public safety databases. Report writing would be streamlined and communication enhanced with these additional computers. The helicopter currently requires \$11,000 of repairs to ensure its airworthiness. To enhance the future safety of Bomb Unit members, additional equipment will be provided. To improve the efficiency and documentation from certain crimes (particularly domestic violence), additional cameras for beat officers will be provided. Other items include minor building modifications and small furniture replacements.

The transfer from the General Fund to the capital project will be funded through under-expenditures within the 2000 Adopted General Fund budget. The additional patrol vehicles will increase fleet maintenance costs; however, these will be offset by lower worker's compensation costs in the revised budget. Likewise, the new personal computers will increase information technology operating costs. This on-going expense will be completely offset within the department's budget during the revised budget process through changes to the Police organizational structure. The additional uniform costs can also be funded from turnover savings within the General Fund.

City Council approval is required for budget adjustments exceeding \$10,000.

Motion --
-- carried

Knight moved that the budget adjustments to establish a Police Equipment Replacement Project be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PART OF 515 NORTH HILLSIDE FOR THE HILLSIDE/CENTRAL INTERSECTION PROJECT. (District I)

Agenda Report No. 01-0032.

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In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersection of Central and Hillside was one such intersection. The improvement plans call for partial acquisitions at all four corners. A 392 square foot triangular tract is required at the northwest corner. Golden Restaurant Operations owns this corner.

The property was valued at \$2,940. Golden Restaurant has agreed to accept this amount. The site is unimproved. If the project impacts any improvements, these will be replaced as part of the project.

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The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$3,500 is requested. This includes \$2,940 for the acquisition, and \$560 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF TRACT OF LAND NEAR THE SOUTHEAST CORNER OF KELLOGG AND TYLER FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0033.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is located on the east side of Tyler, south of Kellogg. The tract is owned by Colby Sandlian. The site contains 220,179 square feet and is currently undeveloped. The taking involves a strip along Tyler and contains 7,422 square feet.

The taking, including cost to cure, has been appraised for \$33,000 (\$4.50 per square foot). Based on recent transactions in the area, the value was revised to \$44,500 (\$6.00 per square foot). The owner has agreed to this value.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$45,000 is requested. This includes \$44,500 for the acquisition and \$500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 1643 SOUTH MAIZE FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0034.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 1643-1745 South Maize and is owned by Maize Avenue, Inc. The site contains 15.95 acres and is developed with several industrial buildings, none of which are impacted by the acquisition. The take is a strip along Maize Road containing 10,454 square feet.

The take was been appraised for \$35,500 based on \$3.00 per square foot for the land and \$4,090 for damages. Firm bids to cure the damages total \$8,800. A negotiated settlement of \$58,000 was agreed to. Net of damages, this equates to \$4.70 per square foot for the land. This amount is supported by recent transactions in the area.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$60,000 is requested. This includes \$58,000 for the acquisition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PARCEL AT THE SOUTHEAST CORNER OF KELLOGG AND TYLER FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0035.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is located at the southeast corner of Kellogg and Tyler and is owned by Peter DeNunzio. The site contains 15,857 square feet and is currently undeveloped. Due to access issues, the entire tract must be acquired.

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The tract has been appraised for \$160,000 (\$10.00 per square foot). Based upon recent transactions in the area, the value was revised to \$127,000 (\$8.00 per square foot). The owner has agreed to this value.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$162,000 is requested. This includes \$160,000 for the acquisition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 1632 SOUTH MAIZE FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0036.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 1643-1745 South Maize and is owned by Maize Avenue, Inc. The site contains 39,600 square feet and is developed with 9,040 square foot office building which is not impacted by the acquisition. The take is a 1,609 square foot triangle along Maize at the northwest corner of the property.

The take was been appraised for \$5,600 (\$3.50 per square foot). A negotiated settlement of \$7,500 (\$4.66 per square foot) was agreed to. This amount is supported by recent transactions in the area.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$8,000 is requested. This includes \$7,500 for the acquisition and \$500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 8181-8211 WEST KELLOGG FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0037.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 8181-8211 West Kellogg and is owned by Janyce Putnam and Ardeen Casado. The site contains 171,350 square feet and is developed with truck sales facility and auto supply store neither of which will be directly impacted by the acquisition. The take is a ten foot strip along Kellogg encompassing 3,008 square feet.

The take was been appraised for \$17,500 which included land at \$5.00 per square foot plus \$2,500 to cure damages. The appraisal did not include the cost to replace a sign that will be destroyed by the taking. This cost is estimated at \$9,800. Making the total appraised value of the acquisition \$27,300. A negotiated amount of \$30,000 was agreed to. This amount is supported by recent transactions in the area.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$31,000 is requested. This includes \$30,000 for the acquisition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 8100 WEST KELLOGG FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0038.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such

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acquisition is a portion of the property located at 8100 West Kellogg and is owned by Ultra-Modern Pool and Patio. The site contains 86,415 square feet and is improved with a 17,000 square foot retail facility which will not be directly impacted by the acquisition. The take is a strip along Kellogg encompassing 4,707 square feet.

The take was been appraised for \$33,900 which included land at \$6.00 per square foot plus \$5,675 to cure damages. Actual estimates to cure damages total \$15,000. The parcel immediately adjacent to the subject recently sold for \$6.33 per square foot or \$1,500 more than appraised value. Also, the appraisal did not make any allowance for the fact that the owner had made changes to the building in anticipation of the planned road project and taking. The owner estimated the cost of these renovations at \$60,000 but agreed to a negotiated amount of \$35,000. These adjustments make the total value of the take \$80,000.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$81,000 is requested. This includes \$80,000 for acquisition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF NORTHWEST AND NORTHEAST CORNERS OF KELLOGG AND MAIZE FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0039.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the properties located at the northwest and northeast corners of Kellogg and Maize. The tracts are owned by Harry Bledsoe. The northwest site contains 13.42 acres and the northeast tract contains 12.4 acres. Neither tract is developed. The take on the northwest encompasses 2.82 acres and takes land from both the Kellogg and Maize frontages. The northeast take includes 7.48 acres along Kellogg. Neither tract is improved.

The takes were \$1,057,000. This was based on the northwestern tract being valued at \$3.00 per square foot and the northeasterly tract being valued at \$3.00 per square foot for 4.53 acres and \$.23 per square foot for 2.95 acres. The owner had a firm offer for the northwest tract at \$5.16 per square foot. The westerly portion of the northeast tract has sold for \$7.42 per square foot. There is a report of a pending offer on the northwesterly tract for \$10.00 per square foot. These offers as well as other transactions were factored into a negotiated settlement of \$2,340,000 (\$5.20 per square foot) for the tracts.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$2,350,000 is requested. This includes \$2,340,000 for the acquisition and \$10,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 11701 WEST KELLOGG FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 00-0040.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 11701 West Kellogg and is owned by Jerry Blue. The site contains 66,969 square feet and is improved with a 3,624 square foot office building which will not be directly impacted by the acquisition. The take is a 701 square foot triangle along Kellogg.

The take has been appraised for \$4,700 which included land at \$4.50 per square foot plus \$1,500 to cure damages. Currently, access to the tract is across the front of the tract to the west. This access will be eliminated by the project. New access must be provided to avoid landlocking the parcel. The cost to provide a new access to the Kellogg frontage road is estimated at \$14,90 making the cost of the total take \$19,650. The owner will accept this amount for the taking.

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Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$21,000 is requested. This includes \$19,650 for the acquisition and \$1,350 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 1521 SOUTH TYLER FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0041.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 1521 South Tyler and is owned by Kansas Truck Equipment. The site contains 115,776 square feet and is developed with a pre-engineered steel industrial building which will not be directly impacted by the acquisition. The take is a twenty-foot wide strip along Tyler encompassing 4,697 square feet.

The take was been appraised for \$19,400 which included land at \$3.00 per square foot plus \$5,300 to cure damages. Actual estimates to cure damages total \$13,000 bringing the offer amount to \$27,100. The owner will accept \$32,300. Net of damages, this equates to \$4.10 per square foot for the land. This amount is supported by recent transactions in the area.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$34,000 is requested. This includes \$32,300 for the acquisition and \$1,700 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 3404 EAST CENTRAL FOR THE CENTRAL/VASSAR INTERSECTION PROJECT. (District I)

Agenda Report No. 01-0042.

In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersection of Central and Vassar was one such intersection. The improvement plans call for partial acquisitions of two corners. A 112.5 square-foot triangular tract is required at the northeast corner, commonly known as 3404 E. Central and owned by Vosburgh Family Limited Partnership.

The property was valued at \$843.75. The Vosburghs have agreed to accept this amount. The site is improved with a single family residential home. No improvements should be disturbed during construction.

The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$1200 is requested. This includes \$843.75 for the acquisition, and \$356.25 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY INSURANCE **PROPERTY INSURANCE.**

Agenda Report No. 01-0043.

The City's broker contacted multiple property markets for quotes on the blanket property policy for the City of Wichita and the Public Building Commission. This was marketed by Marsh, Inc., the broker selected by the City through a competitive process in 1988.

Employee Benefit Consulting (EBC) is the benefit consultant selected by the City through the RFP process. They have been providing benefits review work for the City and are very knowledgeable OF THE City's programs/services, and facilities.

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The property market suffered severe losses last year with loss ratios ranging from 130% to 200%. Average rate increases for large blocks of property have escalated to 50% or higher across the country with non renewal notices becoming a common practice. The market continued to shrink through the merger of large property insurers. This also caused underwriters to become very conservative in their pricing. The property insurance premium on the block of property owned by the City increased due to the above and the fact that we increased our insured values by approximately 14%.

The renewal rate on the Public Building Commission property has remained fairly constant. There was more of a market for this substantially smaller schedule of properties than there was for the balance of City owned properties. This group of properties had to be moved due to the financial peril of the expiring carrier, Reliance.

The benefit consulting contract with EBC is up for renewal in 2001. EBC is assisting in the implementation of new plan administrative vendors for medical benefits and prescription drug benefits. They will also be performing audits of claims adjusting practices and fee-for-service providers utilizing a statistically significant claim sample to judge over all accuracy. When a claimant fails to achieve satisfaction or understanding from the usual communications channels, and at the City's direction, EBC will intercede on the patient's behalf. Periodically, they will prepare financial and service accountings of benefit plans. EBC assists the City in selecting actuaries and manages actuarial projects for the self insured funds. EBC also prepares the benefit for marketing as insurance contracts near renewal.

The EBC principal has 35 years in the benefits industry, and accepts no commissions from health insurance carriers, ensuring objectivity in EBC's review and recommendations. The City's contract is on a strict fee-for-service arrangement further protecting the City from consultant incentives that might skew outcomes. There are no truly independent consultants in the local area. All local consultants are also receiving commissions from the various insurance companies doing business in the area. The annual cost of the benefit consultant contract represents less than 1/2 of 1% of the annual budgeted expenditures for health benefits, and the cost is typically more than recovered from savings in program administration.

Funding for the coverages and consulting work is included in the budgeted expenditures of the self-insurance fund. The property premium for the Public Building Commission will be \$45,641 for calendar year 2001. The property premium for the balance of the City property will be \$189,500. Benefit consulting fees are not to exceed \$107,000 per year for the years 2001 through 2003.

The contract is subject to approval as to form by the Department of Law.

Motion --

-- carried

Knight moved that the purchase of property/boiler insurance through Marsh Inc. and the three- year renewal of the benefit consulting contract with EBC be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION

STREET LIGHTING RESOLUTION 2-00.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-008

A Resolution approving Street Lighting Resolution No. 2-00, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 19, 2000)

a) Weaver Manufacturing, Inc. - Tax Exemption. (District I)

ORDINANCE NO. 44-834

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Weaver Manufacturing, Inc, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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- b) Champion Industries, Inc. - Tax Exemption. (District IV)

ORDINANCE NO. 44-835

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Champion Industries, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c) Diversified Services, Inc. - Tax Exemption. (District IV)

ORDINANCE NO. 44-836

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Diversified Services, Inc., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d) Perfekta, Inc. - Tax Exemption. (District VI)

ORDINANCE NO. 44-837

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Perfekta, Inc., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- e) Decorator & Craft Corporation - Tax Exemption. (District II)

ORDINANCE NO. 44-838

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Decorator & Craft Corporation, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- f) ZTM, Inc. - Tax Exemption.

ORDINANCE NO. 44-839

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- g) A00-13 - adjacent to Raytheon and a portion of 119th Street West, South of 21st North. Districts II and V)

ORDINANCE NO. 44-841

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-13

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h) A00-16 – south of 55th Street South, from west of Seneca to East of Hillside.

ORDINANCE NO. 44-840

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-16

i) DR 00-15 - street name change from Ridge Drive to Garnett, Lakeside Acres Addition, west of 127th Street East, South of 21st Street North. (District II)

ORDINANCE NO. 44-842

An Ordinance changing the name from Ridge Drive to Garnett, adjacent to Lots 7 through 12, Lakeside Acres Addition; and Lots 5 through 9, Lakeside Acres Second Addition, generally located West of 127th Street East, south of 21st Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. DR 00-15

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 34-41, 45, and 47 to 49 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- carried Knight moved that the Planning Agenda Items 34-41, 45, and 47 to 49 be approved as consensus Items. Motion carried 7 to 0.

VAC2000-00053 **VAC2000-00053 – VACATE 20-FOOT UTILITY EASEMENT LOCATED AT THE SOUTHWEST CORNER OF 135TH STREET WEST AND MAPLE.** (District V)

Agenda Report No. 01-0044.

Staff Recommendation: Approve vacation of a 20-foot utility easement.

MAPC Recommendation: Approve vacation of a 20-foot utility easement. (unanimous)

The applicant is requesting to vacate a 20-foot utility easement that is interior to property. The applicant wishes to construct a retail building in this area.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the City retaining the east 10-feet of the east/west utility easement. No written protests have been filed.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried
-- carried 7 to 0.

DED2000-00034 **DED2000-00034 – DEDICATION OF UTILITY EASEMENT LOCATED EAST OF SENECA, NORTH OF 61ST STREET SOUTH.** (District IV)

Agenda Report No. 01-0045.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-101 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried Knight moved that the Dedication be approved. Motion carried 7 to 0.

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DED2000-00035

DED2000-00035 – DEDICATION OF UTILITY EASEMENT LOCATED SOUTH OF CENTRAL, WEST OF WEST STREET. (District IV)

Agenda Report No. 01-0046.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-96 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

SUB2000-22

SUB2000-22 – PLAT OF SHOAL CREEK ADDITION LOCATED ON THE WEST SIDE OF 143RD STREET EAST, SOUTH OF CENTRAL. (District II)

Agenda Report No. 00-0047.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site was annexed into the City in October 2000. Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. Other petitions, all 100%, have been submitted for paving, water, and drainage improvements. Both a City and County Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. In accordance with the Subdivision regulations regarding Cluster Developments, a restrictive covenant has been provided addressing the use of the reserve areas. To provide for turnarounds on lots at the terminus of a hammerhead street, a restrictive covenant has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-010

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89522, (west of 143rd Street, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-011

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89523, (west of 143rd Street, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-012

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89524, (west of 143rd Street, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-01-013

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 157, (west of 143rd Street, south of Central) 468-83187, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-014

Resolution of findings of advisability and Resolution authorizing improving of Siefkes from the east line of the Plat, west to the north line of Spring Hollow, and on Spring Hollow from the west line of Siefkes, south to the south line of the Plat. Castle Rock, from the south line of Siefkes, south to the south line of Lot 39, Block A, on Whitewood Street, from the east line of Spring Hollow, east to the west line of Castle Rock, on Whitewood Street, from the west line of Spring Hollow, west to the west line of Hawthorne Street, on Whitewood Circle, from the west line of Hawthorne Street, west to and including the cul-de-sac, on Hawthorne Street, from the north line of Whitewood Street, north to the north line of Lot 17, Block, D, and on Whitewood Court, from the north line of Whitewood Street, north to and including the cul-de-sac. That sidewalk be constructed along one side Siefkes and Spring Hollow. That there be constructed a decel lane along 143rd Street East from the north line of the Plat, south to the north line of Siefkes, (west of 143rd Street, south of Central) 472-83296, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-015

Resolution of findings of advisability and Resolution authorizing improving of Hawthorne Street from the north line of Lot 17, Block D, north, east and south to the north line of Siefkes, on Hawthorne Court (Lots 6 through 9, Block F) from the south line of Hawthorne Street, south to and including the cul-de-sac, and on Hawthorne Court, (Lots 5 through 8, Block D), from the north line of Hawthorne Street, north to the southwest line of Reserve "E" (west of 143rd Street, south of Central) 472-83297, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-016

Resolution of findings of advisability and Resolution authorizing improving of Hawthorne Street from the south line of Siefkes, south to the north line of Hawthorne Street on Hawthorne Street from the east line of Turnberry, east and south to the north line of Lot 12, Block, A, on Whitewood Street from the east line of Turnberry, east to the west line of Hawthorne Street, and on Turnberry from the south line of Siefkes south to the north line of Lot 22, Block A, (west of 143rd Street, south of Central) 472-83298, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SUB2000-56
(ZON 2000-00028)

SUB2000-56 – PLAT OF ELLSON COURT ADDITION LOCATED SOUTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0048.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

A zone change (ZON 2000-00028) from SF-6, Single-Family Residential to TF-3, Two-Family Residential has been approved for this site subject to platting.

This site is within the City of Wichita, but located within the County's Four Mile Creek sanitary sewer service area. Subject to the Board of County Commissioners removing the property from the County Sewer District, sewer service will be available from the City. Petitions, all 100%, have been submitted for paving and water improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In order to allow for the platting of a street

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with a narrow or nonstandard right- of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance ZON 2000-00028 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-017

Resolution of findings of advisability and Resolution authorizing improving of Ellson from the west line of Ellson to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition (south of Central, east of Greenwich) 472-83312, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-018

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89540, (south of Central, east of Greenwich), (south of Central, east of Greenwich), in the City of Wichita, Kansas pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2000-00028

SUB2000-64

SUB2000-64 – PLAT OF BOSLEY'S FIRST ADDITION LOCATED ON THE NORTHEAST CORNER OF BROADWAY AND MACARTHUR ROAD. (District III)

Agenda Report No. 01-0049.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned LC, Limited Commercial. City water and sanitary sewer is available to serve the site. A cash guarantee has been provided to assure the closure of a driveway currently located in an area platted with complete access control.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2000-66

SUB2000-66 – PLAT OF ASCENSION LUTHERAN CHURCH SECOND ADDITION LOCATED EAST OF 135TH STREET WEST, ON THE SOUTH SIDE OF MAPLE. (District V)

Agenda Report No. 01-0050.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This plat is zoned SF-6, Single-Family Residential and municipal services are available to serve the site.

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In order to provide for the ownership and maintenance of the reserve, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2000-75

SUB2000-75 – PLAT OF DREILING ACRES ADDITION LOCATED ON THE SOUTH SIDE OF 31ST STREET SOUTH, EAST OF 167TH STREET WEST. (District III)

Agenda Report No. 01-0051.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This plat is zoned RR, Rural Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item No. 42)
ZON2000-00036

ZON2000-00036 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, LOCATED AT THE NORTHWEST CORNER OF TAFT AND JULIA. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0052.

MAPC Recommendation: Approve, subject to replatting and the additional provisions of a Protective Overlay (10-1).
DAB Recommendation: Approve, subject to replatting and the additional provisions of a Protective Overlay (8-1)
Staff Recommendation: Deny "LC" Limited Commercial zoning; approve "NR" Neighborhood Retail zoning subject to replatting and the additional provisions of a Protective Overlay.

The applicant requests a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on a 3.7 acre platted tract located at the northwest corner of Taft and Julia. The applicant proposes to develop the site with commercial uses.

The surrounding area is characterized by large-scale commercial development south of Taft and single-family residential development north of Taft. The property west of the site across Brummet is zoned "SF-6" Single-Family Residential and is developed with single-family residences. The property north of the site across University right-of-way (street not constructed) is zoned "SF-6" Single-Family Residential and is undeveloped. The property east of the site across Julia is zoned "SF-6" Single Family Residential and is developed with two single-family residences and three vacant residential lots. The property south of the site across Taft is zoned "GC" General Commercial and is developed with a Wal-Mart.

The surrounding area also is characterized by its proximity to the Mid-Continent Airport. The subject property is located under the approach to Mid-Continent Airport approximately one mile north of the end of the runway. Due to its location, the site is subjected to significant noise from aircraft.

The site has access to Taft, Julia, Brummet, and University. University is right-of-way only, and the street has not been constructed. Brummet is an unpaved local street. Taft is a four-lane collector street with traffic volumes of approximately 10,500 vehicles per day. Julia is a two-lane collector street with traffic volumes of approximately 8,500 vehicles per day. The 2030 Transportation Plan does not estimate future traffic volumes for Taft or Julia.

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If the property were developed entirely with high-traffic generating uses permitted in the "LC" Limited Commercial district such as convenience stores or drive-through restaurants, the subject property could generate up to 3,600-4,500 additional vehicles per day. If the property were developed with a small strip shopping center containing specialty retail, service businesses, and small sit-down restaurants, the subject property would generate up to 1,250-1,500 additional vehicles per day.

Given the already high traffic volumes on Taft and Julia, any commercial development on the subject property will impact the ability of the surrounding collector streets to carry through traffic to the regional commercial center to the south. Therefore, planning staff recommends replatting of the property to address traffic issues. Depending upon the type of development approved for the site, planning staff will recommend conditions of replatting that may include: dedication of additional right-of-way, additional access control, and traffic improvements such as turn lanes, through lanes, and/or traffic signals.

At the hearing on December 7, 2000, there were no speakers, other than the applicant, for or against the request. The MAPC voted (10-1) to approve the request subject to replatting within one-year and the following provisions of a Protective Overlay:

1. The following uses shall not be permitted convenience store; drive-through restaurant; cemetery; correctional placement residence; golf course; halfway house; recycling collection station; reverse vending machine; animal care, general; car wash; kennel; marine facility, recreational; night club; pawnshop; printing and publishing, general; recreation and entertainment, outdoor; and recreational vehicle campground.
2. A 6 foot high masonry wall shall be constructed parallel to the west property line. A 15 foot deep landscaped buffer shall be provided along the entire length of the west property line on the west side of the masonry wall. The landscaped buffer shall be planted with 1 shade tree or 2 ornamental trees per 30 lineal feet of frontage along Brummet.
3. If the vacant property north of the site develops with residential uses, a 6 foot high masonry wall shall be constructed along the north property line.
4. Light poles shall be limited to a maximum height of 14 feet.
5. Building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommended provisions of a Protective Overlay and subject to the condition of replatting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

(Agenda Item No. 43)

ZON2000-00050

ZON2000-00050 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, LOCATED NORTH OF KELLOGG AND EAST OF ELLSON. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No.01-0053.

MAPC Recommendation: Approve, subject to platting within 1 year (10-0).

Staff Recommendation: Approve, subject to platting within 1 year.

The applicant requests a zone change from "SF-6" Single-Family Residential to "LC" Limited Commercial on a 1.42 acre partially-platted tract located north of Kellogg and east of Maize. The applicant indicates that the "LC" Limited Commercial zoning is needed to relocate an existing convenience store (Quik Trip) currently located on the adjoining property to the south. The business needs to be relocated due to the construction of a Kellogg/Maize interchange. According to the site plan, the relocated business would only require approximately 0.3 acres on the southern portion of the property requested for rezoning, with no use identified by the applicant for the northern 1.12 acres of the subject property.

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A plat (SUB2000-00110) that includes the property requested for rezoning was approved by the MAPC at the same hearing as the rezoning request. Staff is recommending that as a condition of the plat that only two access openings be permitted full access along Maize, with southern-most access opening for the Quik Trip restricted to right-in, right-out access by a median in Maize.

The surrounding area is characterized by both commercial and residential uses with significant amounts of undeveloped property remaining along Kellogg. The property immediately south of the site is developed with a Quik Trip on property zoned "LC" Limited Commercial. The properties north of the site are developed with single-family residences on property zoned "SF-6" Single-Family Residential. The property west of the site is undeveloped and is zoned "SF-6" Single-Family Residential. The properties east of the site across Maize are zoned "SF-6" Single-Family Residential and are developed with single-family residences.

At the MAPC hearing on December 7, 2000, one citizen spoke against the request citing potential problems with traffic. The MAPC voted (10-0) to approve the request subject to platting within one year. Subsequent to the public hearing staff discussed potential traffic problems with the applicant, and the applicant agreed to a condition of approval for the plat to limit the southern-most opening to right-in, right-out access by a median in Maize.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the condition of replatting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

Mayor Knight momentarily absent; Vice Mayor Lambke in the Chair.

(Agenda Item No. 44)
ZON2000-00053

ZON2000-00053 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO MANUFACTURED HOUSING, LOCATED SOUTH OF WATERMAN, EAST OF ELLSON. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0054.

MAPC Recommendation: Approve, subject to conditions (10-0).
Staff Recommendation: Approve, subject to conditions.
D.A.B. Recommendation: Approve, subject to conditions.

The applicants are seeking "MH" Manufactured Housing zoning on a 11.13 acre site located south of Waterman and east of Ellson to develop a manufactured home park. The site is platted as the Baxter Place Addition and is currently zoned "MF-29" Multi-family Residential. Baxter Place Addition has platted 25 foot building setbacks established along Lewis, Ellson and Waterman. A 25-foot wide, east to west, utility easement exists midway through the addition.

The applicant's revised site plan shows a total of 48 pad sites (4.3 units per acre). Primary access is off Waterman with an emergency access on Ellson. Internal circulation is via a 25-foot wide private drive. The entire site is to be fenced or walled. A clubhouse / storm shelter with a pool is shown in the eastern half of the development. The clubhouse / pool area is approximately 10,000 square feet in size. Minimum recreation area required by the code is 8% of the site with a minimum of 10,000 square feet for any recreation area. The site needs a total of 38,785 square feet of recreation area. A sidewalk is shown running through the middle of the development. Each pad site has off-street parking spaces provided.

The Unified Zoning Code requires a minimum site size of 5 acres for "MH" zoning in the City of Wichita. The Code requires a minimum lot width of 200 feet for parks. Minimum setbacks are 20 feet from public street right-of-way, 10 feet from all lot lines and 5 feet from private roadways. A minimum separation of 10 feet shall also be maintained between all manufactured home units within the park. The maximum density of dwelling units permitted is 8 dwelling units per acre. Maximum height permitted is 35 feet. Compatibility setbacks of a minimum of 15 feet up to 25 feet are required along side and rear lot lines where adjacent to property zoned TF-3 or more restrictive (minimum of 15 feet plus 1 foot for each five feet of lot width over 50 feet up to a maximum of 25 feet). Dumpsters and refuse receptacles are to be located a minimum of 20 feet from property zoned "TF-3" or more restrictive. A landscape buffer is required consisting of either a screening wall or fence, a 15 foot wide strip with one shade tree or two ornamentals and 5 shrubs every 30 feet.

Further, Chapter 26.04 of the City Code as well as the Zoning Code require the submission of a development plan for approval by the Director of Planning in order to obtain a manufactured home park license. The plan is to show the relationship of the home spaces to roadways, parking, open space and other information affecting overall park

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environment. Key requirements include: all spaces are to have access from a park roadway (no space is to have direct access to a public street or highway; all roadways are to be paved; parking is to be provided per the zoning code; sidewalks are to be provided per the sidewalk ordinance; eight percent of lot's gross area is to be set aside for recreation area, with a minimum size of 10,000 square feet; and all spaces are to be identified.

The applicant's original site plan was recommended by staff to be modified as follows:

1. 25-foot building setbacks along the east property line.
2. Relocation of the accessory structures in the setback.
3. Submission of a landscape plan prior to occupancy.
4. A sidewalk that connects all the lots together and connects the lots with the storm shelter site and Waterman Street.
5. Minimum recreation space requirements. (Calculations to show that the present plan provides required minimums or revised plan to depict required minimums.) Better access needs to be provided to the reserve areas if they are to count as recreation space.
6. Commit to saving mature trees along street rights-of-way as identified on the submitted site plan.
7. Any gated access points shall set the gates back far enough to provide for off-street queuing.
8. Fencing should be "decorative" and should be set back from right-of-way lines along the streets at least 10 feet.

District Advisory Board II heard this request on December 4, 2000, and recommended approval provided the density of development is kept below five dwelling units per acre. (The dwelling unit density shown on the site plan is 4.3 units per acre.) This request was also heard by the MAPC on December 7, 2000. The Commission approved the request, subject to the submission of a revised site plan guarantees to participate in the paving of Ellson and Lewis Streets, approval of the site plan by the governing body and approval of an updated drainage plan. Protest petitions representing 21.82% have been received. A three-fourths majority vote will be required of the Council to override this protest and approve the request. Citizens speaking in opposition expressed concern over the density of development, loss of trees and economic burden of paving Ellson and Lewis Streets.

Motion --

Pisciotte moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, the Ordinance be placed on first reading with publication being withheld until a new drainage plan for the site and paving petitions have been submitted to and approved by the City Engineer. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over.
ZON2000-00053

ZON2000-00058

ZON2000-00058 – ZONE CHANGE FROM GENERAL OFFICE AND MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE, LOCATED SOUTH OF 9TH STREET NORTH AND WEST OF HILLSIDE.
(District I)

Agenda Report No.01-0055.

MAPC Recommendation: Approve, subject to staff recommendation (9-1).
DAB Recommendation: Approve, subject to staff recommendation (10-0).
Staff Recommendation: Approve.

The applicant requests a zone change from "GO" General Office and "B" Multi-Family Residential to "OW" Office Warehouse on a 1.13 acre platted tract located south of 9th Street North and west of Hillside (3101 E. 9th). The applicant is currently using the site as an office, warehouse, and outdoor storage yard for Diggs Construction Company. The current zoning does not permit these uses, and the applicant has received a notice of violation from the Office of Central Inspection. The "OW" Office Warehouse zoning district permits the current uses of the site.

The subject property is developed with a building that formerly housed a psychiatric clinic and a church. The subject property has a paved parking area and an unpaved outdoor storage area. Screening and buffering of the site is provided along the south property line by the combination of a masonry wall, the wall of the building, and a drainage canal. Screening and buffering along the west property line is provided by a hedge row and a street. The outdoor storage area is enclosed by a chain link fence.

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The "OW" Office Warehouse zoning district limits the size of outdoor storage areas to 100% of the floor area of all buildings on the zoning lot. County real estate records indicate that the building on the subject property is 12,770 square feet; thus, a 12,770 square foot outdoor storage area would be permitted by the "OW" district. Screening by decorative fencing, evergreen vegetation, and/or landscaped earth berms would be required for an outdoor storage on the subject property.

The surrounding area is developed with residential uses to the south and west, institutional uses to the north, and commercial uses to the east. The properties south of the site are zoned "TF-3" Two-Family Residential and are developed with duplexes and single-family residences. The properties west of the site are zoned "MF-29" and "B" Multi-Family Residential and are developed with duplexes and single-family residences. The property north of the site is zoned "B" Multi-Family Residential and is developed with a cemetery. The properties east of the site are zoned "LC" Limited Commercial and "GC" General Commercial and are developed with a vacant commercial lot and an electrical contractor businesses with outdoor storage.

At the hearing on December 7, 2000, the MAPC voted (9-1) to approve the request. There were no speakers, other than the applicant, for or against the request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over.
ZON2000-00058

(Agenda Item No. 46)

ZON2000-00060

CUP2000-00050

DP-93 AM#1

ZON2000-00060; CUP2000-00050; AND DP-93 AM#1 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL; GENERAL COMMERCIAL, AND LIMITED INDUSTRIAL, LOCATED ON THE SOUTHEAST CORNER OF PAWNEE AND GEORGE WASHINGTON BOULEVARD. (District III)

Marvin Krout

Director of Planning reviewed the Item

Agenda Report No. 01-0056.

MAPC Recommendation: Approve, subject to platting and to conditions (7-4)

Staff Recommendation: Approve, subject to platting and to conditions.

D.A.B. Recommendation: Approve (9-0) subject to Staff recommendations and recommendations of Meadowlark Association of Neighbors, Inc., with exclusion of vehicle sales and car washes from all parcels.

The applicant is proposing to amend DP-93 Spencer Gardens Residential Community Unit Plan and rezone the property from "MF-29" Multi-Family to "LC" Limited Commercial, "GC" General Commercial, and "LI" Limited Industrial. This amendment would change the C.U.P. from a residential C.U.P. to a predominantly commercial development. The total size of the Spencer Gardens would remain at 22.58 acres, and be divided into eight parcels.

Parcel sizes shown on the revised C.U.P. were as follows: Parcel 1 - 2.04 acres; zoned "LC"; Parcel 2 – 0.83 acre, zoned "LC"; Parcel 3 – 2.81 acres, zoned "LC"; Parcel 4– 0.92 acre, zoned "GC"; Parcel 5 - 4.23 acres, zoned "GC"; Parcel 6 – 0.91 acre, zoned "GC"; and Parcel 8 - 7.68 acres, zoned "LI".

Potential users for the parcels vary significantly. The southernmost parcel abutting Gypsum Creek would be zoned "LI" and is designed to accommodate a bus storage facility or perhaps a "clean" manufacturing user. The eastern parcels located on the south side of Pawnee and east of the main entrance to the C.U.P. (between Crestway and Terrace) would be zoned "GC" and allow a broader range of commercial users. This might include mini-storage warehouses. The western parcels between the main entrance on Pawnee and George Washington Boulevard would be zoned "LC". Some of the potential users for these sites include a day care and typical fast-food types of restaurants. The remaining parcel, approximately 3 acres in size, is located on the interior of the site but has access to both Pawnee and George Washington. It would be zoned "LC" but potentially developed with multi-family use.

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The parcels will all exclude pawnshops; secondhand stores; taverns; nightclubs; drinking establishments; and adult entertainment. This will encourage a break from the "pawnshop" appearance of nearby Oliver. Parcel 1, the corner parcel, excludes public uses except churches, community assemblies, libraries, parks and recreation, government services and daycare. The other parcels west of the main entrance abutting Pawnee further exclude all residential uses and all public uses except daycare. In contrast, the interior parcel has the same exclusions as these parcels except that residential uses would be allowed. The parcels east of the main entrance would allow "GC" uses, but would have the same exclusions of public uses except daycare and residential.

The C.U.P. proposes a maximum building coverage of 30 percent. Maximum building height is 35 feet except for Parcel 9, which is 80 feet. Building setbacks are shown at 20 and 25 feet, below the minimum requirement for a C.U.P.

Five access openings were shown on Pawnee and two on George Washington Boulevard on the revised plan. The applicant proposes to prepare a plan for vehicular circulation and a pedestrian walk system to be reviewed prior to the issuing of building permits.

There is no requirement for uniform architectural control and uniform lighting. The applicant has agreed to provide additional landscaping along Pawnee to soften the commercial uses from residences across the street, and to screen any outdoor work or storage areas from view along Pawnee and George Washington Boulevard.

The type of development in the vicinity of Spencer Gardens varies. The area north of Pawnee is a well-maintained, predominately single-family residential neighborhood, Meadowlark. The area to the west, Plainview, is a predominately multi-family area. Most of the residences in Plainview near the application are in good condition. A third residential area is located to the northwest of the Pawnee/George Washington Boulevard intersection. This is the Schweiter area. Gypsum Creek borders the property on the south. The property immediately to the east is vacant except for a KGE substation. It was originally part of DP-93 (this C.U.P.), but was separated into DP-169 Spencer Gardens Commercial C.U.P. in 1990. The property along Oliver, which is located a block farther to the east of the site, is a heavier commercial area and is occupied by several pawnshops, a furniture outlet and a Boeing office facility.

At the DAB #III meeting held December 5, 2000, there were many neighbors present who expressed concerns with the proposed development. Karin Smith, President of the Meadowlark Association of Neighbors, Inc. presented a list of seven concerns about the proposed development. Most of the items requested by Meadowlark were the same or similar to conditions recommended by Staff. The requested conditions from Meadowlark were more specific regarding screening of the proposed "LI" tract. After extensive discussion by the board members, the Board recommended that the C.U.P. amendment and rezoning be approved subject to Staff recommendations, the requested concerns of Meadowlark Association of Neighbors, Inc. plus the additional exclusion of vehicle sales and car washes.

At the MAPC meeting held December 7, 2000, the agent for the applicant requested numerous changes in conditions recommended by Staff. The location of access openings was discussed and it was agreed to move the opening between Parcel 2 and 3 to a location on Parcel 3 between the opening of Belmont and Crestway on Pawnee. MAPC voted (7-4) to approve subject to Staff recommendations with the change in location of the opening on Parcel 3, plus the following changes: revise sign conditions to allow pole signs in the "LC" district and permit "LC" signage in the "GC" district; eliminate the prohibition on neon and backlit canopies; allow vehicle sales in "GC" and allow freight terminals in "LI". The MAPC recommendation included requirements for accel/decel lanes along the south side of Pawnee and responsibility for ½ the cost of improving Pawnee with a continuous left-turn lane. In subsequent discussions, Public Works has indicated that since this project is the factor creating the need for the left-turn lane, the applicant should be responsible for the full cost. This is an issue that needs additional discussion during the platting process.

Over 150 protests have been received on this case. Although many of the protests are outside the legal protest area. 48.5% of the property within the protest has been filed. This requires ¾ majority by City Council for approval of the request. It should be noted that much of this opposition stems from the changes made during the MAPC hearing. There is substantial opposition to allowing vehicle and equipment sales, car washes, and freight terminals.

Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved subject to the Platting and recommended conditions including the conditions of exclusion of vehicle sales, car washes, and freight terminals from all parcels; and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

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**CUP2000-00047 &
DP-196 AM#1**

CUP2000-00047 AND DP-196 AM#1, REQUEST TO EXPAND DP-196 AM#1 - ONE KELLOGG PLACE COMMUNITY UNIT PLAN AND ADJUST PARCEL SIZES AND CONFIGURATIONS, LOCATED ON THE SOUTHEAST CORNER OF KELLOGG AND GREENWICH ROAD. (District II)

Agenda Report No.01-0057.

MAPC Recommendation: Approve, subject to platting within 1 year and to conditions (11-0).
Staff Recommendation: Approve, subject to platting within 1 year and to conditions.
D.A.B. Recommendation: Approve. (8-0).

The applicant is proposing to add 50.52 acres to DP-196 One Kellogg Place Community Unit Plan. The current C.U.P. includes only 350 feet along the south side of Kellogg for approximately one-half mile east of Greenwich. The amended C.U.P. would include all the property between Kellogg and the I-35 Turnpike east of Greenwich to Brundige Road (vacated) except the car dealership at the corner of the intersection and two existing residences along Greenwich. Total size after the expansion would be 74.12 acres.

The C.U.P. is designed with three large interior parcels suitable for big box retail users or a shopping center. Seven smaller parcels are located along the Kellogg Drive, and one parcel is located on Greenwich Road. Access is proposed with internal circulation that connects to Zelta, Ellson, Dowell, and Greenwich Road. The applicant does not propose to construct Kellogg Drive along the frontage, although the applicant had previously guaranteed (1993 paving petition) to construct 20' of Kellogg Drive as part of the existing D.P.-196. The applicant also proposes to vacate the streets within the C.U.P. that have already been platted. These streets include Gilbert and portions of Zelta and Ellson.

The proposed C.U.P. would consist of 12 parcels. Parcel 1 (20.68 acres; zoned "GC" General Commercial and "LI" Limited Industrial") is the largest parcel and has direct access along Kellogg Drive. Parcel 2 (2.39 acres; zoned "LI") has access to Greenwich Road via a Common Frontage Area "B". Parcel 3 (15.40 acres; zoned "GC" and "LI") and Parcel 4 (13.24 acres; zoned "GC" and "LI") have access via Common Frontage Area "A" that connects via Ellson and Zelta to Kellogg Drive. Parcel 5 (1.49 acres; zoned "GC"), Parcel 6-10 (1.25 acres; zoned "GC"), and Parcel 11 (1.13 acres; zoned "GC") have direct access to Kellogg Drive and secondary access on Common Frontage Area "A". Parcel 12 (2.10 acres; zoned "NR" Neighborhood Retail and "LI") has direct access onto Greenwich Road. Reserve A (1.76 acres; zoned "LI") and Reserve B (2.89 acres; zoned "LI") are for drainage purposes.

The C.U.P. proposes a maximum building coverage of 30 percent, a maximum building floor area of 30 %, and maximum building height of 35 feet. Building setbacks are 35 feet along Kellogg Drive and Greenwich, the exterior parcel lines, and Common Frontage Area "B". For Common Frontage Area "A", the setbacks are 35 feet on the south but no setbacks are shown on the north. As shown, buildings could be constructed on the rear property lines along the north side of Common Frontage Area "A". Setbacks are 35 feet along the southern property line.

Proposed uses are those permitted in the "GC" General Commercial zoning district, excluding: adult entertainment establishments, group homes, group residential, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor are permitted as long as food is the primary service of the establishment.

Proposed signage includes freestanding signs at 30 feet in height on Parcels 1-4 and 20 feet in height on Parcels 5-12, spaced a minimum of 150 feet apart. The amounts requested, by parcel, are: Parcel 1 – 200 sq. ft. on Kellogg Dr. and 200 sq. ft. on Greenwich; Parcel 2 – 170 sq. ft. on Greenwich (no direct frontage); Parcel 3 – 250 sq. ft. on Kellogg Dr. (no direct frontage); Parcel 4 – 250 sq. ft. on Kellogg Dr. (no direct frontage); Parcels 5-11 – 150 sq. ft. on Kellogg Dr.; Parcel 12 – 100 sq. ft. on Greenwich.

The C.U.P. proposed uniform architectural control among the three large parcels (Parcels 1, 3, and 4), among Parcels 5-11 located along Kellogg Drive, and between Parcels 2 and 12 along Greenwich. It also stipulates uniform lighting, limited to 30 feet in height for Parcels 1, 3, and 4, and 24 feet for the remaining parcels. It calls for screening of rooftop mechanical equipment, trash receptacles, and outdoor work and storage areas. There is no specific requirement on screening of outdoor display. Also, the applicant did not include a screening wall along the rear of the large parcels abutting the I-35 Turnpike.

Standard landscaping is required along Kellogg and Greenwich. Additionally, the C.U.P. requires parking lot landscaping for Parcels 1, 3, and 4, and an equivalent number of trees along the Turnpike as would be required in a landscaped street yard by the Landscape Ordinance, but not the landscaped street yard area. A pedestrian circulation plan is required.

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Existing development along Kellogg includes several car dealerships and used car sales lots, auto repair, and manufactured homes sales lots. The property to the east is developed with mini-storage warehouses (DP-117 East Kellogg Mini Storage C.U.P.). The I-35 Turnpike forms the southern boundary, with the newly constructed Seltzer Elementary School and Woodland Lakes Estates located south of the Turnpike. There are two residences adjoining Parcel 12, and eight residences on the western side of Greenwich Road.

Transportation improvements to Kellogg and Greenwich are needed to accommodate the large volume of traffic that would be generated by commercial development on the site. Staff and the applicant have discussed these improvements. The applicant has submitted a revised Traffic Study. According to this study, the requested buildout of 627,000 square feet for the commercial development would not exceed 23,000 vehicles per day, and could be handled by the proposed interim improvements, plus the permanent improvements at the intersection of Greenwich and Common Frontage Area "B". This would meet the requirements of Condition #2.

At the DAB #II meeting held December 4, 2000, several citizens were present to speak. There was discussion about traffic, drainage, adequate screening, adequate parking, and the need to prohibit outdoor storage. The C.U.P., as recommended does not prohibit outdoor storage but requires it to be screened from ground level view.

At the MAPC meeting held December 7, 2000, MAPC voted (11-0) to recommend approval subject to Staff conditions as modified by the revised C.U.P. presented at the meeting.

To date, Staff has been unable to complete the review of the revised Traffic Study regarding future traffic beyond the year 2007 and with respect to improvements after freeway construction. Additional review and discussion will be needed during the platting process.

Motion --
-- carried

Knight moved that Council concur with the findings of the MAPC and approve DP-196 Amendment #1, subject to replatting within one year and subject to the recommended conditions. Motion carried 7 to 0.

DR00-08

DR00-08 – PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS.

Agenda Report No. 01-0058.

Staff Recommendation: Approve the amendments.
MAPC Recommendation: Approve amendments (9 to 0).

This amendment to the Subdivision Regulations will implement a requirement for owners of property which is unplatted and exempt from the Subdivision regulations. These owners would be required to file a restrictive covenant with the Register of Deeds Office that prohibits the transfer of portions of their property unless that land is platted (if under 20 acres). This restrictive covenant would need to be filed before any issuance of a platting exemption by County Code Enforcement.

In the past, property owners in the County have obtained platting exemptions from County Code Enforcement Office and then circumvented the Subdivision Regulations by selling portions of their property that would be required to be platted. It is intended that this restrictive covenant would help to alleviate this situation.

Planning staff has reviewed this restrictive covenant with the County Code Enforcement Office, Register of Deeds Office, and the City and County Legal Departments prior to review by the Subdivision Committee. The Subdivision Committee reviewed the proposed amendments on December 30, 2000.

The MAPC held the public hearing on December 7, 2000 and voted unanimously to recommend the amendments proposed by staff.

These amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinances and Resolutions.

Motion --
-- carried

Knight moved that the amendments be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition", prepared by the Metropolitan Area Planning Commission, as adopted by reference in City of Wichita Code Section 28.05.010, introduced and under the rules laid over.

A98-33

A98-33 – RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON ANNEXATION OF ELIGIBLE PROPERTIES, GENERALLY LOCATED WEST OF 119TH STREET WEST, FROM SOUTH OF 13TH STREET NORTH TO NORTH OF 21ST STREET NORTH. (District V)

Agenda Report No. 01-0059.

A resolution establishing a future public hearing date of March 20, 2001, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 West 21st Street North, for consideration of a unilateral annexation was approved. The areas proposed for annexation are located at 119th Street West, 13th Street North to 21st Street North, and include a portion of the right-of-way for 21st Street North.

The area proposed for annexation is the first phase of a two-phase annexation initiative. The area consists of West Meadows Addition, Burchfiel Second Addition, Cedar Downs First and Second Additions and Whistling Walk Estates First, Second, Third and Fourth Additions, plus several unplatted tracts. The described area comprises approximately 315 acres and 136 properties (106 platted and 30 unplatted). The land use pattern of the area to be annexed is a mix of single-family residential development and undeveloped land held in floodway reserves. The entire area is zoned "SF-20" Single-Family Residential which will convert to the "SF-6 Single-Family Residential district upon annexation.

The proposed annexation will allow for the continuation of the City's growth in the west-central section of the City. All properties in the proposed annexation area are currently being served by private systems, but have access to 12 inch or larger City water mains located in 119th Street, 21st Street, and 13th Street from which service could be extended. According to the City Water and Sewer Department, there are three projects in the current City of Wichita CIP Program to extend and/or enlarge mains in the proposed annexation area.

As for sewer, there are no properties in the proposed annexation area currently being served by the City of Wichita. These properties are currently served by private sewage disposal systems. City sewer lines are located in 21st Street to the east and west of 119th Street, with several subdivisions surrounding the annexation areas currently served by City sewer. As with water service, there are no plans to extend sewer service into areas not currently served within the annexation area. However, mains could be enlarged and/or extended in the annexation area once the Northwest Sewage Treatment Plan, construction of which is in the current City of Wichita C.I.P., becomes operational.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$17,050,680 resulting in an annual City Ad Valorem tax revenue of approximately \$61,003. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date on March 20, 2001, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 West 21st Street North, be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-01-019

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property located at 119th Street West, 13th Street North to 21st Street North to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-98-33

AIRPORT AGENDA

AIRPORT

UTILITY IMPROVEMENTS – MID-CONTINENT AIRPORT.

Agenda Report No. 01-0060.

The 2001 Capital Improvements Program (CIP) includes utility improvements.

The airport plans to extend and make improvements to utilities located on the airport including extending the sanitary sewer under Learjet Way.

The project is estimated to cost \$350,000 and will be funded with airport revenue. Where appropriate, there will be partial cost recovery through established rate structures.

Motion --
-- carried

Knight moved that project be approved and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

AIRPORT

AIRFIELD PAVEMENT – TAXIWAY “AAAA” CONSTRUCTION – MID-CONTINENT AIRPORT.

Agenda Report No. 01-0061.

The 2004 Capital Improvements Program (CIP) provides for airfield pavement construction and rehabilitation including the design and construction of Taxiway “AAAA”.

This project needs to be moved forward to 2001 in order to accommodate potential development on the east side of the airfield. The construction phase will be initiated separately and will be contingent upon tenant demand.

By starting the project in 2001, the airport will be in a better position to receive discretionary funding from the 2002 spending bill for a portion of the project. The total project is estimated to cost \$10,800,000 and the design phase is estimated to cost \$550,000. The project will ultimately be funded by AIP grant funds and Passenger Facility Charge collections, although airport revenues will provide interim funding. Construction will not begin until federal funds are available.

Motion --
-- carried

Knight moved that the 2001 CIP be amended to include the project, the design phase be approved and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

AIRPORT

STREET SIDE PAVEMENT – MID-CONTINENT AIRPORT.

Agenda Report 01-0062.

The 2001 Capital Improvements Program (CIP) includes street side pavement rehabilitation and construction.

In substitution of an identified street project which has been delayed, the airport plans to reconstruct a portion of a street adjacent to Learjet.

The project is estimated to cost \$90,000. Reimbursement for approximately one half of the cost is expected from Learjet with the other half being paid from airport revenues.

The street is vacated, but is open to the public.

Motion --
-- carried

Knight moved that project be approved and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

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AIRPORT

ROOF REPLACEMENTS – MID-CONTINENT AIRPORT.

Agenda Report No. 01-0063.

The 2001 Capital Improvements Program (CIP) provides for roof replacements.

Roofs identified in the roof replacement program will be replaced at Mid-Continent Airport.

The project is estimated to cost \$275,000, which will be funded from airport revenues.

Motion --
-- carried

Knight moved that project be approved and the Staff Screening and Selection Committee be authorized to select a consultant. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 10:32 a.m.

Pat Burnett CMC
City Clerk